

November 21, 2008

**SUBMITTED ELECTRONICALLY**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: WT Docket 06-150, Service Rules for the 698-746, 747-762 and 777-792 MHz Bands,  
PS Docket No. 06-229, Implementing a Nationwide, Broadband, Interoperable Public  
Safety Network in the 700 MHz Band; NOTICE OF ORAL EX PARTE  
COMMUNICATIONS

Dear Ms. Dortch:

Pursuant to the provisions of Section 1.1206 of the rules of the Federal Communications Commission ("FCC" or "Commission"), I hereby submit a notification of *ex parte* communication in the above referenced proceedings.

In particular, on November 21, 2008, the undersigned and Leo Cloutier of Bright House Networks met with Erika Olsen, Legal Advisor to Chairman Kevin J. Martin. Attached is a summary of the points covered at that meeting.

If there are questions regarding the foregoing or the attached, please contact the undersigned.

Very truly yours,

*/s/ Russell H. Fox*

Russell H. Fox

Attachment

cc: (electronically)  
Erika Olsen



# 700 MHz D Block Meeting with FCC Staff November 21, 2008



# Background

- BHN is the sixth largest MSO in the country.
- BHN is a JD Power award winner for the Southeast region for both voice and high speed data services.
- Like many cable companies, BHN is evaluating the provision of wireless and converged services.
  - It is a participant in SpectrumCo, a holder of AWS spectrum.
  - It is an investor in New Clearwire, a holder of 2.5 GHz spectrum.

## Background (cont'd)

- However, even for an entity like BHN, already in the telecommunications industry, entry to the wireless marketplace is restricted.
  - Roaming is not available for all services.
  - Roaming is not available under reasonable terms and conditions.
  - Nationwide licensing favors only the most highly capitalized entrants.

# Roaming

- The Commission should impose a mandatory automatic roaming requirement on all D Block licensees and services.
  - The Commission has recognized that consumers expect roaming.
  - The Commission has recognized the importance of roaming to small and rural carriers.
  - National carriers stifle roaming.
  - Without a roaming obligation, D Block licensees will fail.

# Roaming (cont'd)

- Why is a full-feature roaming requirement appropriate here?
  - Roaming obligation does not currently extend to all services.
    - The FCC has recognized that the D Block will support data services.
    - The FCC has already imposed a roaming obligation on the public safety side of the combined network.
  - The D Block is an ideal starting point for an expanded roaming requirement.
    - Like the Commission's introduction of open access/open network in the C Block, the FCC should introduce expanded roaming obligations here.
  - The FCC should take all measures to increase interest in D Block licenses.
  - The roaming obligation should include an obligation not to degrade the use of any home services used when roaming.

## Roaming (cont'd)

- Even if the FCC confirms that automatic roaming is required, it should provide greater clarity to “reasonable and non-discriminatory.”
  - Further clarity is critical to attract D Block bidders.
  - A carrier’s retail yield should serve as a guide to reasonable roaming.
- No commenting parties have opposed BHN’s roaming proposals.

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# Regional Licensing

- The FCC should favor regional, not national, D Block licenses.
  - Will help reverse the trend of wireless spectrum concentration.
  - A nationwide licensee (which will presumably be an incumbent entity) will not give public safety entities any additional wireless choices.
  - It is not clear that there will be any bidders for a nationwide license.



# Regional Licensing (cont'd)

- Benefits of regional licenses-
  - Local responsiveness.
  - More possibilities of “best-of-breed” practices.
  - Continuity for public safety entities (regional licensees will be more likely to retain their licenses).
  - Increased revenue for the Treasury.
- Regional licensing was broadly supported.

# Conclusion

- The Commission should use all the tools available to it to make the D Block auction successful for public safety entities, carriers and consumers.

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